

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

David L. James,)	Civil Action No.: 4:14-2413-BHH
)	
Plaintiff,)	
)	
vs.)	ORDER AND OPINION
)	
)	
QHG of South Carolina, d/b/a)	
Carolinas Hospital System, and)	
Carolinas Medical Alliance, and)	
Carolinas Hospital System,)	
)	
Defendant.)	
_____)	

On June 17, 2014, the plaintiff David L. James (“the plaintiff”) filed this action against QHG of South Carolina, d/b/a Carolinas Hospital System, and Carolinas Medical Alliance, and Carolinas Hospital System (“the defendant”) alleging claims against his former employer for race discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e *et seq.* (“Title VII”).

In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 D.S.C., this employment discrimination matter was referred to United States Magistrate Judge Kaymani D. West for consideration of pretrial matters. The magistrate judge prepared a thorough Report and Recommendation which recommends that the defendant’s Motion to Dismiss as to the plaintiff’s Title VII claims be granted, and the remaining state-law claims be dismissed without prejudice to their being brought in state court. (ECF No. 25.) The magistrate judge concluded that the Court lacked subject matter jurisdiction for the plaintiff’s failure to include an EEOC Right to Sue Notice.

The plaintiff filed timely objections to the Report and Recommendation. (ECF No. 26.) More importantly, he filed supplemental objections, on February 9, 2015, indicating that he has, in fact, received a Right to Sue Notice, as required. (ECF Nos. 31, 31-1). The defendant has not made any reply, in response to the plaintiff's request to moot the motion.

Accordingly, the jurisdictional deficiency alleged in the motion to dismiss has been cured. The motion is deemed moot.¹

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

Greenville, South Carolina
March 17, 2015

¹ The defendant may still perceive live its argument concerning the timeliness of the South Carolina Human Affairs Commission claim. The defendant has leave to file a renewed motion, as necessary, but the Court would request caution in doing so. The undersigned is dubious of the argument's effectiveness under the circumstances.